

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CAMBRIA COMPANY LLC,

Plaintiff,

v.

LAKESIDE SURFACES, INC.,

Defendant.

Case No. 1:20-cv-00508 (JMB/PJG)

Hon. Jane M. Beckering

**JOINT STIPULATION AND ORDER OF DISMISSAL  
REGARDING CAMBRIA’S COMPLAINT COUNTS 2-4**

WHEREAS, Plaintiff Cambria Company LLC (“Cambria”) filed a complaint against Defendant Lakeside Surfaces, Inc. (“Lakeside”) seeking, *inter alia*, relief for (1) Lakeside’s infringement of Cambria’s alleged mark “The Finest Countertop Makers in the World”; (2) Lakeside’s “Federal Unfair Competition and False Designation of Origin”; and (3) Lakeside’s “Unfair Competition under Michigan Common Law, M.C.L. § 445.903 *et seq.*” (Dkt. 1, ¶¶ 34-52; Counts 2-4);

WHEREAS, in what Cambria contends is an effort to streamline the issues for adjudication, Cambria dismisses, with prejudice, its claims for trademark infringement and federal and state unfair competition (*see* Dkt. 1, Counts 2-4);

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, through their respective counsel, and subject to the approval of the Court, that:

(1) Cambria’s claims under Counts 2-4 of its Complaint regarding trademark infringement, federal unfair competition and false designation of origin, and state unfair competition are dismissed with prejudice.

(2) Nothing in this Order affects the parties' claims, defenses, and counterclaims remaining in this matter regarding Cambria's allegations of infringement of the D'332 patent (Dkt. 1, Count 1).

(3) Lakeside believes it is entitled to attorneys' fees on Counts 2-4. Cambria disputes that Lakeside is entitled to any attorneys' fees on these counts. The parties believe that any adjudication on the issue of attorneys' fees with respect to these counts can take place after resolution of Count 1 of the Complaint, in a single Rule 54 (Fed.R.Civ.P. 54) motion after a Final Judgment is entered on all issues in the case.

(4) Pursuant to this Stipulation and Order, the Court shall enter Judgment in favor of Lakeside and against Cambria on Counts 2-4 when it enters a Final Judgment on all of the issues in this case.

PRICE HENEVELD LLP

s/ Gregory A. Lewis

Gregory A. Lewis (P75796)

Matthew J. Gipson (P60169)

PRICE HENEVELD LLP

695 Kenmoor Ave., S.E., P.O. Box 2567

Grand Rapids, MI 49501

Tel: 616-949-9610

glewis@priceheneveld.com

mgipson@priceheneveld.com

Of Counsel:

John C. Adkisson

FISH & RICHARDSON P.C.

3200 RBC Plaza

60 South 6th Street

Minneapolis, MN 55402

Tel: 612-335-5070

adkisson@fr.com

GARAN LUCOW MILLER, P.C.

s/ Robert D. Goldstein

Robert D. Goldstein (P38298)

John W. Whitman (P37932)

GARAN LUCOW MILLER, P.C.

10801 South Saginaw Street, Bldg. D

Grand Blanc, MI 48439

Tel: 810-695-3700

rgoldstein@garanlucow.com

jwhitman@garanlucow.com

Leland P. Schermer

MARCUS & SHAPIRA LLP

301 Grant Street,

One Oxford Centre, 35th Floor

Pittsburgh, PA 15219-6401

Tel: 412-338-3990

schmermer@marcus-shapira.com

*Attorneys for Defendant Lakeside  
Surfaces, Inc.*

Grayson P. Sundermeir  
FISH & RICHARDSON P.C.  
222 Delaware Avenue, 17th Floor  
Wilmington, DE 19801  
Tel: 302-652-5070  
sundermeir@fr.com

*Attorneys for Plaintiff Cambria Company  
LLC*

**ORDER**

SO ORDERED this 27th day of June, 2022.

/s/ Jane M. Beckering  
The Honorable Jane M. Beckering  
United States District Court Judge